

1 Andrew D. Skale (SBN 211096)
askale@mintz.com
2 Matthew C. Bernstein (SBN 199240)
mbernstein@mintz.com
3 Ben L. Wagner (SBN 243594)
bwagner@mintz.com
4 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
3580 Carmel Mountain Road, Suite 300
5 San Diego, CA 92130
Telephone: (858) 314-1500
6 Facsimile: (858) 314-1501

7 Attorneys for Defendant and Counterclaim Plaintiff
8 SEQUAL TECHNOLOGIES, INC.

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 INOGEN, INC., a Delaware corporation,

12 Plaintiff,

13 v.

14 SEQUAL TECHNOLOGIES, INC., a Delaware
corporation,

15 Defendant.

16
17 SEQUAL TECHNOLOGIES, INC., a Delaware
corporation

18 Counterclaim Plaintiff,

19 v.

20 INOGEN, INC., a Delaware corporation,

21 Counterclaim Defendant.
22
23
24
25
26
27
28

Case No. 09-CV-2391 H (JMA)

**DECLARATION OF JOHN. M. DANAHER
IN SUPPORT OF DEFENDANT SEQUAL
TECHNOLOGIES, INC.'S REPLY RE
MOTION FOR SUMMARY JUDGMENT**

Date: 04/05/2010

Time: 10:30 a.m.

Courtroom: 13

The Honorable Marilyn L. Huff

1 I, John M. Danaher, declare as follows:

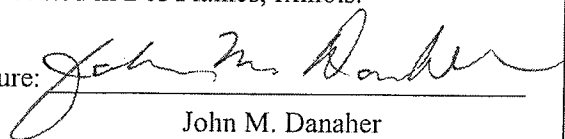
2 1. I am over 18, and have personal knowledge of the facts set forth in this Declaration
3 and if called to testify as to the same could competently do so.

4 2. I am currently a Senior Account Manager at UOP LLC. I have been employed at
5 UOP LLC since 1988, and previously was employed at Union Carbide Corporation between 1978
6 and 1988. I have held various business positions at Union Carbide and UOP, always in business
7 areas relating to adsorbent materials. My current responsibilities include managing the sales
8 account between UOP and SeQual.

9 3. Attached as Exhibit A to this declaration is a true and correct copy of an analysis of
10 the Oxysiv MDX adsorbent we performed, showing calcium and magnesium content exceeding
11 0.01%. The test was performed using Inductively Coupled Plasma. This document is kept in
12 UOP's files as part of its ordinary course of business. A copy of these test results were provided to
13 SeQual on December 1, 2009.

14 I declare under penalty of perjury under the laws of the United States that the foregoing is
15 true and correct and that this declaration has been executed in Des Plaines, Illinois.

16 Dated: 3/29/10

17 Signature: 

18 John M. Danaher
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Description	Oxysiv-MDX
Wt%	
Al	25.3
Si	32.0
Ca	0.81
Fe	0.56
K	0.20
Li	5.89
Mg	1.35
Na	0.47
P	0.040
Ti	0.067
Equivalents	
Al	2.81
Si	4.56
Ca	0.041
Fe	0.030
K	0.005
Li	0.849
Mg	0.111
Na	0.020
Ratios	
(Na+K+Li)/Al	0.93
Si:Al	3.24
(Na+K+Li), meq/100g	0.87
(Ca + Mg), meq/100g	0.36
Na/(Na+Li+K)	2.3%
(Na+K+Li)/Ca	21.6

CERTIFICATE OF SERVICE

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of San Diego, State of California, and am not a party to the above-entitled action.

On March 29, 2010, I filed a copy of the following document(s):

**DECLARATION OF JOHN. M. DANAHER IN SUPPORT OF DEFENDANT
SEQUAL TECHNOLOGIES, INC.'S REPLY RE MOTION FOR SUMMARY
JUDGMENT**

by electronically filing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

F.T. Alexandra Mahaney, Esq.

Jeffrey W. Guise, Esq.

Matthew J. Bresnahan, Esq.

WILSON SONSINI GOODRICH & ROSATI

12235 El Camino Real, Suite 200

San Diego, CA 92130

Attorneys for Plaintiff/Counterclaim Defendant
INOGEN, INC.

Email:

amahaney@wsgr.com

jguise@wsgr.com

mbresnahan@wsgr.com

Executed on March 29, 2010, at San Diego, California.

I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

s/Andrew D. Skale, Esq.

Andrew D. Skale, Esq.